



Ohio Revised Code Section 4733.302 Perfection of lien.

Effective: September 30, 2021

Legislation: Senate Bill 49 - 134th General Assembly

(A) To perfect a lien on commercial real estate referred to in section 4733.301 of the Revised Code, a professional engineer or professional surveyor shall file with the county recorder of the county in which the commercial real estate is located an affidavit as described in division (B) of this section.

(B)(1) The affidavit required under division (A) of this section shall include all of the following:

(a) The name of the professional engineer or professional surveyor;

(b) The name of the owner of the interest in the commercial real estate;

(c) The name of the record owner of the commercial real estate if different than the owner described in division (B)(1)(b) of this section;

(d)(i) A legal description of the commercial real estate sufficient to reference the instrument by which the record owner took title and the permanent parcel number, if any ;

(ii) Division (B)(1)(d)(i) of this section shall not be construed as requiring a metes and bounds description.

(e) The parties to and date of the contract;

(f) The amount of the professional engineer or professional surveyor's claim under the contract;

(g) A statement that the information contained in the affidavit is true and accurate to the knowledge of the professional engineer or professional surveyor.

(2) The affidavit shall be signed by the professional engineer or professional surveyor and notarized.



(C) Not later than thirty days after recordation, the professional engineer or professional surveyor shall serve the recorded affidavit upon all parties listed in the affidavit by such delivery method as provides proof of receipt. Failure to serve shall not invalidate the lien, but a court may consider equitable remedies for such failure.

(D) A county recorder receiving an affidavit filed pursuant to division (A) of this section shall record the affidavit and charge and collect from the person filing the affidavit the fees prescribed in section 317.32 of the Revised Code for the recorder's services.